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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,172	04/21/2000	Yasuhiko Terashita	SONY-T0474	6517
22850	7590	09/07/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			FLETCHER, JAMES A	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/557,172	TERASHITA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James A. Fletcher	2616	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection. The examiner will respond to specific arguments.

**In re page 12,** applicant's representative states: "There is no suggestion or motivation whatsoever to suggest that any parameters corresponding to date of creation, date of modification, expiration date and safeguard setting against inadvertent erasure are stored in association with the moving picture data, as recited in amended Claim 1."

The examiner respectfully disagrees. Wactlar discloses the environment of his invention to be on a "desktop computer" (Col 5, line 7), which is known to those of ordinary skill in the art to provide several of the above-mentioned parameters.

2. Applicant's arguments filed with respect to claims 16-25 have been fully considered but they are not persuasive.

**In re page 13,** applicant's representative states: "at no point does Misawa teach of suggest the file designation information designating a moving picture recorded on an external storage medium is recorded in the information processing apparatus, as recited in Claim 16."

The examiner respectfully disagrees. Misawa clearly discloses the recording of both still and motion image files on an optical disk in "predetermined formats." The fact that such modes are different, and that they necessarily must be coded and decoded

using different algorithms, requires such designations be applied to the different types of files.

**Further in re page 13,** applicant's representative states: "Claim 16 further recites that the information processing apparatus includes a means for recording still picture information corresponding to a moving picture which is recorded in an external storage medium. However, as discussed above, Misawa describes that the image data is only stored temporarily in the frame memory (18) before it is permanently recorded in the optical disk (25). Therefore, the still pictures are recorded in the optical disk (25) after the data has passed through the frame memory (18). Accordingly, the frame memory (18) does not include still picture information corresponding to a moving picture recorded on the external storage medium, as recited in Claim 16."

The examiner again respectfully disagrees. Taken as a whole, Misawa clearly discloses the ability to easily and rapidly select a still image as an objective image as shown in Column 11, lines 7-10. Further, it is well known that moving pictures are comprised of a plurality of still pictures, displayed at a rate to simulate motion to a human viewer.

**In re pages 14 and 15,** applicant's representative states: "While the MPEG bit stream may indicate that the image is high-fidelity, it is raw data from the image pick-up of the camera and does not include designation information designating a moving picture recorded on an external storage medium, as recited in Claim 19."

The examiner respectfully disagrees. There is no mention in Riek of raw data from the image pickup. Further, Riek clearly discloses that the high fidelity image can

be created from I, B, or P pictures (Col 4, lines 52-54), which contradicts the applicant's representative's assertion of raw data being used for a high fidelity image.

**In re page 15**, applicant's representative states: "the MPEG bit streams and compressed digital video signals originate from the CCIR601 converter (27) and could not possibly include any file designation information corresponding to a moving picture recorded on an external storage medium, because moving picture information that may later be stored on an external medium has not, itself, been assigned a file designation. This, it is not possible for the file designation information encoded in the MPEG bit stream of Riek to include file designation information designating moving picture recorded on an external storage medium when the moving picture information is not recorded in the external storage medium when the MPEG bit stream is processed."

The examiner is unsure how the applicant arrived at this conclusion, since Riek clearly discloses the storage of the moving picture and still picture data as noted in the previous office action. Further, the idea of a high-fidelity still image in a stream that is neither being recorded on nor reproduced from a medium seems counter-intuitive to the examiner. Finally, the disclosure of file designation information is clearly disclosed by Riek in Col. 11, lines 46-65.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Misawa et al (5,444,482).

**Regarding claims 16-18,** Misawa et al disclose an information processing apparatus, method, and program for recording file designation information designating a moving picture recorded on an external storage medium, and still picture information corresponding to the moving picture (Col 2, lines 45-49 "digital camera 1 is adapted to be operative in response to a manipulation of an operator to selectively record in optical disk 25 image data representing a still image of an object and consecutive images of the object in the form of movie pictures").

5. Claims 19-22, 19/23, 20/23, 24/24, and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Riek et al (5,987,179).

**Regarding claims 19, 21, and 22,** Riek et al disclose an information processing apparatus, method, and program comprising reproducing means for retrieving file designation information and still picture information (Col 11, lines 9-11 "The standard MPEG decoder has to be modified to recognize the situation when a high-fidelity image has been encoded in the bitstream"), the file designation information designating a moving picture (Col 3, lines 48-50 "a frame in an uncompressed digital video signal is selected for encoding as a high-fidelity still image) recorded on an external storage medium (Col 4, lines 31-33 "The storage device can be, for example, a digital cassette recorder [DVC], a digital versatile disc [DVD], a memory card, or a magnetic hard drive"), the still picture information corresponding to the moving picture (Col 3, lines 50-

52 "The digital video signal is MPEG encoded to produce an MPEG encoded bitstream and additional bits are employed to encode the selected frame").

**Regarding claim 20,** Riek et al disclose an information processing apparatus comprising moving picture reproducing means for retrieving a moving picture from the external storage medium in accordance with an output from the reproducing means (Col 4, lines 26-29 "The camera 10 may include a display device 24, such as a color LCD display screen for reviewing the captured motion sequences and still images embedded in the sequences").

**Regarding claims 19/23, 20/23, 24/24, and 22-25,** Riek et al disclose an information processing apparatus, managing method, and medium, wherein the external storage medium is a video tape (Col 4, lines 31-33 "The storage device can be, for example, a digital cassette recorder [DVC], a digital versatile disc [DVD], a memory card, or a magnetic hard drive").

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 3-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wactlar (5,8387,667), and further in view of Nagano et al (5,651,087).

**Regarding claims 1 and 5-8,** Wactlar discloses an information processing apparatus, method, and program comprising:

- first recording and reproducing means, method, and program for recording one moving picture in at least one recording increment (Col 7, lines 1-3 "Once the digital library is created...it may be stored in any conventional storage media");
- second recording and reproducing means, method, and program for recording a still picture corresponding to a predetermined one of the recording increments of the moving picture (Col 11, lines 66-67 "Each paragraph may be reasonably abstracted by a 'representative frame'"); and
- third recording and reproducing means, method, and program for recording information about the moving picture being recorded by the first recording means (Col 7, lines 22-25 The digital video library system 10 must annotate digital video automatically by speech and language understanding, as well as by using other textual data that has been associated with the video")
- Wactlar suggests recording information about the moving picture being recorded with additional information (Col 5, line 7 "desktop computer"), but does not specifically disclose said information comprises at least one parameter corresponding to at least one of date of creation, date of modification, expiration date, and safeguard against inadvertent erasure.

Nagano teaches the storage of date of creation, modification, and expiration dates as part of the file structure (Col 11, lines 54-56 "a formation date, a correction date, an expiration date...are recorded").

As suggested by Wactlar and taught by Nagano, the storage of dates of creation, modification, and expiration of a file are well-known, commercially available, and widely used features used in file storage on electronically readable media, and provide the user with a means to track and control aspects of those files.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wactlar in order so specifically record at least one of a date of creation, a date of modification, a date of expiration, and erase protection.

**Regarding claim 3,** Wactlar discloses an information processing apparatus wherein the first recording means uses a file as the recording increment (Col 16, lines 3-4 "There is a digital video/audio archive 82 with a hierarchically cached file system").

**Regarding claim 4,** Wactlar discloses an information processing apparatus wherein the first recording means records the one moving picture to at least one storage medium (Col 7, lines 1-3 "Once the digital library is created...it may be stored in any conventional storage media").

**Regarding claims 9-12,** Wactlar discloses an information managing method and program comprising:

- recording and reproducing firstly a still picture corresponding to a moving picture in at least one recording increment (Fig 2, item 35 "Icon Creation and Col 13, lines 56-58 "visual icons are preferably a representative of a video

paragraph or multiple contiguous video paragraphs relating to the same subject matter"); and

- recording and reproducing secondly information about the still picture being recorded in the first recording step (Col 17, lines 49-51 "Appearing on the screen are several icons...followed by text forming an extended title/abstracts of the information contained in the video." The examiner interprets this reproduction of title/abstract information associated with the icon as having been recorded prior to reproduction.)
- wherein the still pictures are used as icons in a system configured to navigate the moving picture (Fig 2, item 35 "Icon creation" and Col 13, lines 53-55 "Icons are a combination of text and video, either still or motion, which are created for subsequent presentation to the user performing a search").
- Wactlar suggests recording information about the moving picture being recorded with additional information (Col 5, line 7 "desktop computer"), but does not specifically disclose said information comprises at least one parameter corresponding to at least one of date of creation, date of modification, expiration date, and safeguard against inadvertent erasure.

Nagano teaches the storage of date of creation, modification, and expiration dates as part of the file structure (Col 11, lines 54-56 "a formation date, a correction date, an expiration date...are recorded").

As suggested by Wactlar and taught by Nagano, the storage of dates of creation, modification, and expiration of a file are well-known, commercially

available, and widely used features used in file storage on electronically readable media, and provide the user with a means to track and control aspects of those files.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wactlar in order so specifically record at least one of a date of creation, a date of modification, a date of expiration, and erase protection.

**Regarding claims 13-15,** Wactlar discloses an information managing apparatus, method, and program comprising:

- first recording means for recording a moving picture (Col 5, line 5, "a large, on-line, digital, video library" and Col 16, lines 3-4 "a digital video/audio archive 82 with a hierarchically cached file system");
- second recording means for recording data corresponding to the moving picture (Col 16, lines 6-7 "caches of most recently accessed media at the 'site-server' nodes 88, 90, 92"); and
- third recording means for recording data corresponding to the moving picture (Col 6, lines 62-63 "The video segments 48 may be viewed at the workstation 42 and selectively stored for future use"),
- Wactlar suggests recording information about the moving picture being recorded with additional information (Col 5, line 7 "desktop computer"), but does not specifically disclose said information comprises at least one

parameter corresponding to at least one of date of creation, date of modification, expiration date, and safeguard against inadvertent erasure.

Nagano teaches the storage of date of creation, modification, and expiration dates as part of the file structure (Col 11, lines 54-56 "a formation date, a correction date, an expiration date...are recorded").

As suggested by Wactlar and taught by Nagano, the storage of dates of creation, modification, and expiration of a file are well-known, commercially available, and widely used features used in file storage on electronically readable media, and provide the user with a means to track and control aspects of those files.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wactlar in order so specifically record at least one of a date of creation, a date of modification, a date of expiration, and erase protection.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wactlar.

**Regarding claim 2,** Wactlar suggests an information processing apparatus wherein the second recording means records a still picture corresponding to a scene switchover of the moving picture (Col 3, lines 35-38 "a one-half hour video may easily have one hundred semantically separate chunks. The chunks may be linguistic or visual in nature. They may range from sentences to paragraphs and from images to scenes" and Col 4, lines 58-59 "means for segmenting the digitized video data into paragraphs according to the stored set of rules").

The examiner takes official notice that a scene change is a notoriously well-known and widely used definition of a “semantically separate chunk” of a moving picture presentation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wactlar to include a scene change as a rule for creating a paragraph of video data.

9. Claims 16/23, 17/24, and 18/25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa as applied to claims above, and further in view of Riek et al.

**Regarding claims 16/23, 17/24, and 18/25,** Misawa et al disclose an information managing apparatus, method, and program wherein the external storage medium is an optical disc, and do not disclose the use of a video tape for their storage medium.

Riek teaches an equivalence between optical discs and video tapes for use in a movie and still image recorder/reproducer (Col 4, lines 31-33 “The storage device can be, for example, a digital cassette recorder [DVC], a digital versatile disc [DVD], a memory card, or a magnetic hard drive”).

As taught by Riek, video tapes are a well-known, commercially available, and widely used medium for the storage of both moving and still images, providing inexpensive, reliable, non-volatile storage of a variety of image data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Misawa in order to include video tape as a storage medium.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAF  
30 August 2005

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